

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

RAY ASKIN,	:	
Plaintiff,	:	Civil Action 2:16-cv-325
v.	:	Judge George C. Smith
OCWEN LOAN SERVICING,	:	Magistrate Judge Elizabeth P. Deavers
Defendant.	:	

PRELIMINARY PRETRIAL ORDER

The Court conducted a preliminary pretrial conference on July 14, 2016. All parties were represented by counsel.

Allegations in the Pleadings and Jury Demand

This is an action under the Real Estate Settlement Procedures Act and the Fair Debt Collection Practices Act regarding Plaintiff's mortgage on his home in Hilliard, Ohio.

Among other defenses, Defendant asserts the violation occurred as a result of a bona fide error, notwithstanding the maintenance of procedures reasonably adapted to avoid such an error.

There is a jury demand.

Rule 26(a)(1) Initial Disclosures

The parties have already made their Rule 26(a)(1) disclosures.

Jurisdiction and Venue

Venue is proper in the Southern District of Ohio, Eastern Division. Jurisdiction is alleged under 28 U.S.C. § 1331. There are no contested issues involving personal jurisdiction, subject matter jurisdiction, or venue. Any motion addressing personal jurisdiction, subject matter jurisdiction, or venue must be filed on or before **JULY 28, 2016**.

Amendments to Pleadings and/or Joinder of Parties

No amendments to the pleadings are anticipated. Motions or stipulations addressing the parties or pleadings, if any, must be filed on or before **NOVEMBER 1, 2016**.

Limitations on Discovery

The parties may, without further leave of Court, agree to exceed the limitations on discovery established by the Federal Rules of Civil Procedure or the Local Rules of this Court. If the parties are unable to reach an agreement on any matter related to discovery, they are directed to arrange a conference with the Court.

Experts' Disclosures¹

Any expert who may give evidence supporting a party's claims or defenses must make his or her Rule 26(a)(2) disclosures no later than **JANUARY 16, 2017**. Any responsive experts' Rule 26(a)(2) disclosures must be made no later than **FEBRUARY 17, 2017**. If the expert is specially retained, the disclosure must consist of a report that conforms to Rule 26(a)(2), unless otherwise agreed to by the parties or ordered by the Court. If the expert is not specially retained, the party must provide (1) the identity of the expert, (2) an articulation of the substance of the testimony expected to be provided by the expert and (3) the bases of any opinion expected to be offered by the expert.

Discovery and Case-Dispositive Motions Deadlines

All discovery must be completed by **APRIL 14, 2017**. Case-dispositive motions must be filed on or before **MAY 15, 2017**. The parties are advised that the discovery completion date requires that

¹Rebuttal/Responsive experts are strictly limited to rebutting unanticipated opinions expressed by a primary expert. When the plaintiff intends to offer no expert testimony supporting his or her claims, but the defendant chooses to offer expert testimony on them that would ordinarily constitute rebuttal/responsive testimony, the defendant's experts must make such disclosures by the first deadline.

discovery requests be made sufficiently in advance to permit timely response by that date.

Settlement Discussions and Settlement Week Referral

The parties will participate in the **MARCH 2017 SETTLEMENT WEEK**. Referral to settlement week has no effect on the case schedule. All deadlines established in this Pretrial Order shall remain in place unless the parties move for, and are granted a continuance or stay.

Availability for Final Pretrial Conference

This case will be available for final pretrial conference in November 2017 or as soon thereafter as the Court's calendar permits.

If the foregoing does not accurately reflect the matters considered and the agreements reached at the conference, counsel will please immediately make their objections in writing.

If any date set in this Order falls on a Saturday, Sunday or legal holiday, the date of the next business day will control.

DATE: **July 15, 2016**

/s/ Elizabeth A. Preston Deavers
ELIZABETH A. PRESTON DEAVERS
UNITED STATES MAGISTRATE JUDGE